

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare Department – Review Petition filed by Sri Siddabathula Nageswar Rao, S/o Late Veerraju, Employee in East Naval Command, Visakhapatnam filed against the G.O.Ms.No.179, dated 9.9.2008, wherein the Government have confirmed the proceedings No. C5(M)/8113/97, dated 9.3.2006 of the District Collector, East Godavari, under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Review Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 8

Dated: 21-01-2020

Read the following:

1. Proceedings of the District Collector, East Godavari, Lr.No.C5(M)/8113/97, dated 9.3.2006.
2. G.O.Ms.No.179, S.W.(CV.2) Deptt., dated:09.09.2008.
3. Review Petition filed by Sri Siddabathula Nageswara Rao, S/o Late Veerraju, Emp. in East Naval Command, Visakhapatnam District, dated 06.10.2008, received through his Advocate Sri R.M.Reddy.
4. Govt. Memo No.9605/CV.2/2008, S.W.(CV.2) Deptt., dated 04.11.2008 and reminders thereon.
5. From the District Collector, East Godavari, Lr.Rc.No.C5(M)889/2008, dated 22.11.2008.
6. Govt. Memo No.9605/CV.2/2008, SW(CV.2) Deptt., Dated: 01.05.2012, 05.08.2015, 01.05.2018, 05.06.2018, 04.07.2018, 07.08.2018, 17.09.2018, 22.10.2018, 27.12.2018, 09.01.2019 & 23.01.2019, 13.08.2019, 28.08.2019 & 09.10.2019.
7. From Sri Siddabathula Nageswara Rao, representation dt:12.10.2019.

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ORDER:

In the reference 1st read above, the District Collector, East Godavari has issued orders cancelling ST-Konda Kapu certificate of Sri Siddabathula Nageswara Rao, S/o Late Veerraju, aggrieved by the above orders, the appellant has filed the appeal petition, before the Government and after examining the said appeal petition by giving opportunity to the individual, the Government while conforming the proceedings of the District Collector, East Godavari, have rejected the appeal petition, in the reference 2nd read above.

2. In the reference 3rd read above, Sri Siddabathula Nageswara Rao, S/o Late Veerraju has filed review petition, before the Government, against the G.O.Ms.No.179, S.W.(CV.2) Department, dated 09.09.2008, wherein the Government have confirmed, the proceedings, dated 09.03.2006 of the District Collector, East Godavari stating that the appellate authority has not given opportunity to him to file written arguments as well as filing additional documents i.e. caste certificate issued by the Revenue authorities. After examining, the Government have admitted the said Review Petition and called for the parawise remarks and connected records from the District Collector, East Godavari in the reference 4th read above.

3. The said Appeal Petition was posted for hearing on 01.05.2012, 05.08.2015, 01.05.2018, 05.06.2018, 04.07.2018, 07.08.2018, 17.09.2018, 22.10.2018, 27.12.2018, 09.01.2019 & 23.01.2019, 13.08.2019, 28.08.2019 & 09.10.2019 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellate Authority has conducted final hearing in the said review petition on 19.10.2019 and the appellant has filed a representation in the reference 7th read above.

[P.T.O]

4. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ additional grounds filed by the Appellant in his review petition/ the parawise remarks submitted by the District Collector, East Godavari and proceedings of the District Collector, East Godavari dated 9.3.2006, and the earlier orders passed by the Government in G.O.Ms.No.179, S.W.(CV.2) Dept., 04.09.2008, the Appellate Authority is observed that on verification of the documents and the grounds of review petition as well as the other documents and material available on the record except the contention of the appellant in his grounds in the review petition that he lost opportunity of filing his written arguments, nothing was placed for appreciation of the case of the petitioner. Further the appellate authority has observed that the appellant has failed to produce any additional documentary evidence to prove his case and it is also noticed that the petitioner could not prove with any valid evidence that his parents belong to ST-Konda Kapu community.

5. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), decide that the review petition filed by Sri Siddabathula Nageswara Rao, S/o Late Veerraju, does not deserve any interference. Hence, the orders issued by the Government in G.O.Ms.No.179, S.W.(CV.2) Department, dated 04.09.2008 by upholding the proceedings of the District Collector, East Godavari issued vide Lr.No.C5(M)/8113/97, dated 9.3.2006, is hereby upheld and the Review Petition filed by Sri Siddabathula Nageswara Rao, S/o Late Veerraju, is hereby dismissed.

6. The District Collector, East Godavari is directed to take necessary consequential action in the matter.

7. The records (containing R.Dis.No.C5(M)/8113/97, dated 9.3.2006, Pages: 537) received from the District Collector, East Godavari through in the reference 5th read above, are returned herewith in original to the District Collector, East Godavari and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, East Godavari.
(with original records) (BY RPAD)

Sri Siddabathula Nageswara Rao, S/o Late Veeraju,
Occ: Technical Assistant (Engineering),
Material Organization(Retd),
East naval Command, Visakhapatnam-530 009.

Sri R.M.Reddy, Advocate,
2-2-12/4/A, Flat No.2013,
Sai Bharath Towers, D.D. Colony, Hyderabad-500 007.

Copy to:

The Flag Officer, Commanding-in-Chief,
Head Quarters, East Naval Command, Naval Base,
Visakhapatnam.
(with a request to take necessary action in the matter)

The Director, TCR& TI, A.P., Vijayawada.
The OSD to Hon'ble Deputy Chief Minister(TW).
The PS to Principal Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER